

Town of Needham
Select Board
Minutes for Tuesday, April 14, 2021
<https://us02web.zoom.us/j/89093905788>

6:00 p.m.

Call to Order:

A meeting of the Select Board was convened by Vice Chair Matthew Borrelli. Those participating were Marianne B. Cooley, Daniel P. Matthews, newly elected member Lakshmi Balachandra, newly elected member Marcus Nelson, and Town Manager Kate Fitzpatrick. In addition to the Select Board Dave Davison, ATM/Finance, Katie King, ATM/Operations, and Sandy Cincotta, Support Services Manager also participated. Recording Secretary Mary Hunt recorded the meeting remotely.

Mr. Borrelli announced this open meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020 due to the current state of emergency from the outbreak of the COVID-19 virus. He noted all public gatherings have been suspended as advised and directed by the Commonwealth. And, as such, suspending the requirement of the open meeting law to have all meetings in a public, accessible, physical location while encouraging and allowing members of all public bodies to participate remotely. Mr. Borrelli stated the meeting will include public comment and the Needham Select Board and all attendees are convening by Zoom, as posted on the Town's website identifying how the public may join. He said all supporting documents used at this meeting are available on the Town's website www.needhamma.gov.

6:01 p.m.

Board Reorganization:

Motion by Mr. Matthews that the Select Board nominate Matthew Borrelli to serve as Chair of the Needham Select Board.

Second: Ms. Cooley. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained from the vote.

Motion by Mr. Matthews that the Select Board nominate Marianne Cooley to serve as Vice Chair of the Needham Select Board.

Second: Mr. Borrelli. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained from the vote.

Motion by Mr. Nelson that the Select Board nominate Lakshmi Balachandra to serve as Secretary/Clerk of the Needham Select Board.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Motion by Ms. Cooley that the Select Board approve the regular meeting schedule for the year.

Second: Mr. Nelson. Unanimously approved 5-0 by roll call vote.

April 27, 2021	August 17, 2021	November 23, 2021	February 22, 2022
May 11, 2021	September 14, 2021	December 7, 2021	March 8, 2022

May 25, 2021	September 28, 2021	December 21, 2021	March 22, 2022
	June 8, 2021	October 12, 2021	January 11, 2022
June 22, 2021	October 26, 2021	January 25, 2022	April 13, 2022*
July 20, 2021	November 9, 2021	February 8, 2022	April 26, 2022
			*Wednesday

Motion by Ms. Cooley that the Select Board appoint Sandy Cincotta to serve as Committee Secretary for the Select Board.

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

Motion by Mr. Matthews that the Select Board appoint Mary Hunt to serve as Recording Secretary for the Select Board.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Mr. Borrelli took a moment to acknowledge Maurice P. Handel for his incredible leadership throughout a very difficult year. He thanked him and said he will be sorely missed. Mr. Borrelli also thanked John A. Bulian for his service to Needham, noting he retired after 18 years on the Select Board.

Mr. Borrelli congratulated Ms. Balachandra and Mr. Nelson on their historic election, noting they will bring a lot to the Select Board and it will be nice working with both of them.

Mr. Nelson said he is grateful to the voters, excited to continue the work of the Select Board while learning the inner workings of town government, and to bring a different perspective. He said he hopes to make people more aware of what happens on the Select Board and interested in running for positions to increase representation.

Ms. Balachandra said it is a pleasure to be on the Select Board and to be able to learn more, potentially bringing new direction for Town leadership. She said she feels a real duty to the voters. Ms. Balachandra said she will voice her opinion and hopes for good dialogue on new ideas and perspectives.

6:37 p.m. Appointments and Consent Agenda:

Motion by Ms. Cooley that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA: *=Backup attached

- 1. Accept the following donation made to the Needham Health Division's Traveling Meals program: \$1000 from an Anonymous Donor.**
- 2. Appoint Carys Lustig as the User Representative to the Jack Cogswell Building Project and remove John Regan as User Representative to the Jack Cogswell Building Project.**
- 3.* Approve and sign Water Abatement #1305.**

4. **Accept the following donations received by the Needham Public Library for the period of January 1, 2021, to March 31, 2021: Heather and Andrew March donated \$500 to the library. It will be used to purchase new items; Robert Washburn gave the library a copy of Karen J. (Anderson) Boduch's book, Almost all My World War II Stories: Memoirs of a Sailor [George Anderson] Serving Aboard the U.S.S. South Dakota aka "Battleship X" – "BB-57" The Most Decorated Battleship of World War II; Kristen Toohill donated \$50 for the purchase of two books on OverDrive; Frances S. Wolff gave the library \$1,000 in memory of daughter Jackie Wolff; Cathy Collishaw, donated \$25.00 to the library to be used to purchase a book in memory of Lewis Melcher; and Karen Steinberg donated thirty-one books to the library (\$600+).**
- 5.* **Approve application for a car parade from Margaret Klingerman on behalf of the American Cancer Society Relay for Life Charles River. The parade will be held on Saturday, May 22, 2021 at 1:30 p.m. This event has been approved by the Police Department and the DPW Department. Permission will be granted once approval from the Health Department has been received.**
6. **Accept the following donations made to the Needham Community Revitalization Trust Fund: \$50 from Kate Carter, \$30 from Ashly Scheufele, \$35 from Marcus Hughes and \$35 from Paul Good.**

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

6:38 p.m.

Public Hearing: Shade Tree - 61 Eaton Road

Edward Olsen, Tree Warden, Parks & Forestry Superintendent appeared before the Board to discuss a request by Thomas Wojick, builder, to remove one Public Shade Tree. This tree will be negatively impacted by the proposed demolition and construction of a new home and driveway at this property address. This Public Shade Tree would sustain serious and direct root damage as a result of construction activities. The Tree Warden does not object to the removal of this tree based on these reasons, at the owner's expense. It is recommended a donation in the amount of \$500, to cover the expense of purchasing two trees to replace the loss of this one tree. He asked the Select Board to approve the request to remove the tree.

Lindsay Gravin, homeowner 61 Eaton Road stated she looks forward to planting 2 trees. She said she loves that Eaton Road has beautiful shade trees, but this one particular tree has taken a beating.

Mr. Borrelli invited public comment. No comments were heard.

Mr. Borrelli asked for comments from the Board. No comments were made.

Motion by Mr. Nelson that the Select Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one (1) 20.5 - inch, Norway Maple tree in the front berm of 61 Eaton Road.

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

6:48 p.m.

Change of Liquor Manager Hearing - Blue on Highland:

Richard Naples, Proposed Manager appeared before the Board to discuss an application submitted by Blue on Highland, 882 Highland Avenue, Needham for a change in manager. A review indicates that Mr. Naples meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol.

Mr. Naples said Blue on Highland has been closed since March 2020 and plans to reopen for indoor dining within the next weeks. He commented he started work at Blue on Highland in January 2021 to oversee the reopening of the restaurant as general manager.

Ms. Cincotta indicated all paperwork is in order.

As noted on the Agenda Fact Sheet, Section 6.4 of the Select Board's Regulations for the Sale of Alcoholic Beverages states: "No alcohol license will be issued to any applicant unless such applicant is the licensee named in a common victualler's license and has operated a restaurant and function rooms for the twelve-month period immediately preceding the filing of an application. When deemed appropriate by the Select Board this provision may be waived." Mr. Naples, although most recently Director of Operations at the last restaurant he worked, was not the named licensee on the Common Victualler nor the alcohol license as it was in the Owner/Chef's name; he is therefore seeking a waiver of this section. All other additional filing materials seem in order.

Mr. Borrelli asked for questions and comments from the Select Board.

Mr. Matthews noted Mr. Naples' qualifications. He reiterated to Mr. Naples that as manager, he is personally liable for anything that goes wrong with the service of liquor. Mr. Matthews told Mr. Naples he wants him to succeed, but it must be done safely.

Ms. Cooley pointed out Blue on Highland has a history of issues. She said she looks forward to the reopening and that people are excited to have the restaurant reopen.

Motion by Mr. Matthews that the Select Board waive Section 6.4 of the Select Board's Regulations for the Sale of Alcoholic beverages for Mr. Naples and approve and sign the application for a Change in Manager to Richard Naples for Blue on Highland, 882 Highland Avenue, Needham and to forward this application to the ABCC for approval.

Second: Ms. Balachandra. Unanimously approved 5-0 by roll call vote.

6:52 p.m.

Health & Human Services Update:

Timothy McDonald, Director of Health & Human Services, Tara Gurge, Assistant Director of Public Health, Tiffany Zike, Assistant Director of Public Health, Sara Shine, Director of Youth and Family Services, LaTanya Steele, Director of Aging Services, Aicha Kelley, Assistant Director of Aging Services, and Jessica Moss,

Assistant Director of Aging Services updated the Board on how each division has responded to COVID-19 to meet community needs.

Mr. McDonald introduced members of the Town's Health & Human Services Department.

A PowerPoint presentation was viewed titled "Needham HHS Division COVID-19 Response" dated April 14, 2021.

Ms. Zike explained the Town's Public Health COVID-19 Response, including contact tracing and vaccinations.

Ms. Gurge spoke about COVID-19 Enforcement and Inspections. She spoke about education, social distancing, proper hygiene, and the use of masks.

Ms. Shine summarized the Youth & Family Services COVID-19 Response, commenting on the mental health impacts from COVID-19. She noted the number of crises calls has doubled since last year, even more significantly in the last month. She noted the many services available to meet the needs of the community.

Ms. Moss, Ms. Kelley, and Ms. Steele summarized the Aging Services COVID-19 Response, explaining the mission of food security and combating social isolation. Ms. Steele commented on volunteers who have delivered essential supplies, recreational items, masks, and transportation services for older adults. Ms. Kelley commented on the immediate transition to remote programming, zoom lessons, a daily newsletter, and entertainment to support the most vulnerable population. Ms. Kelley said she is very proud of the work and staff over the last year during the pandemic. Ms. Kelley commented on a recent survey indicating many people are fearful of returning to the Center at the Heights, indicating a hybrid approach to programming is desired. She noted the generosity of Volante Farms during this time.

Mr. McDonald noted the staff are a dedicated and passionate team of professionals serving the residents of Needham.

Mr. Borrelli thanked Mr. McDonald and the staff for their amazing effort during this time. He suggested people wishing to donate money or sponsor a program or event contact either Ms. Kelley or Ms. Steele.

Mr. Borrelli asked for questions from the Board.

Ms. Balachandra thanked the staff for their impressive work during this very difficult period. She asked about available vaccinations and how information is being disseminated for people to make appointments for the vaccine.

Mr. McDonald explained the decision by the administration in late February that local health departments would no longer receive new vaccines for people to receive their first dose. He suggested folks should utilize the state's vaccine finder website to access appointments. He noted he has heard challenging stories of people trying to obtain an appointment; however, he said the system is better than it was.

Ms. Balachandra commented on the gap in mental health services, asking what would be helpful in filling the gap? Ms. Shine said additional mental health specialists would be helpful and beneficial to the community.

Ms. Cooley thanked the staff for their work, particularly with the economic development group in helping to keep restaurants operating.

Mr. Borrelli asked about criteria and the timeline for reopening Town Hall? Mr. McDonald stated as people are getting vaccinated they are becoming more comfortable, and that things can begin to reopen soon with some restrictions.

Mr. Borrelli thanked the staff of Health & Human Services for their hard work.

7:30 p.m.

DPW Spring and Summer 2021 Anticipated Projects:

Carys Lustig, Director of Public Works provided the Board with a brief overview of major projects that DPW plans to undertake in the spring and summer. Discussion will also include a request for feedback on the utilization of green paint to delineate safety zone areas and bike lanes as they cross intersections.

Ms. Lustig said employees from multiple divisions, and even outside of public works, are working on various projects. She spoke about non-physical projects including an upgrade to the work order system across all public works divisions that will provide a unified system to evaluate work orders, service requests, and assets. Ms. Lustig commented on state and federal funding opportunities for more complex projects, noting the current focus is on the Highland Avenue corridor as an extension of the Webster Street project. She commented on COVID mitigation to support downtown dining and outdoor living. Ms. Lustig commented on utility work being done and paving roads. Ms. Lustig told the Board of potential options for adding a new treatment into the road markings process and associated costs that may change the project scope. She commented on integrating Complete Streets concepts, the inconsistent bidding process during the pandemic, and a Complete Streets grant awarded for work at the intersection of Harris Avenue and Dedham Avenue. She noted possible changes in laws and funding sources at the federal level may impact the DPW, noting the department is prepared for "shovel ready" opportunities. Ms. Lustig commented on storm water work impacting the composting area at the RTS, along with repairs to the Transfer Station building tipping floor. She said there will be changes in operations for people dropping off bulky waste or composting items. Ms. Lustig commented on several highway projects, including Sunset and Cefalo Roads, Oak Street and Maple Street, a grant

received to install parklets in the downtown, stormwater work at West Street and Highland Avenue, the installation of the sewer main at Walker Lane, installation of a water main at Bennington Road, as well as at Central Avenue and Marked Tree Road, and a replacement on Country Way. She commented on the Eversource Redundancy project and gas main replacements. Ms. Lustig said Mitchell School will receive a bathroom renovation, with the goal of completing at least 2 bathrooms prior to reopening in September 2021. Ms. Lustig spoke about the utilization of green paint as part of dedicated bike lanes. She said the application is specific to bike lanes at cross streets for improved visibility and to make safety zones, as recommended in the Pedestrian Safety Audit completed in 2019. She commented on sharrows and using the green paint treatment.

Mr. Borrelli thanked Ms. Lustig for her presentation. He asked for a map of locations under consideration for application of green paint. Mr. Borrelli said he likes the idea of a smaller sharrow in dedicated bike lanes.

Ms. Cooley commented on Greendale Avenue, noting long stretches of roadway, suggesting a standard for using the small sharrow at certain intervals.

Mr. Nelson asked the duration of the planning process? He said Ms. Lustig's idea for bike lane markings is amazing, as many people bike and want to feel safe. He said the green paint will give many drivers "cause for pause."

Discussion ensued on the rolling planning process of when markings are applied. Ms. Lustig noted most markings are done at night.

Ms. Balachandra asked about the possibility of dedicated bike lanes and whether reflective paint is appropriate for crosswalks and bike demarcations? She said there is a lot of demand for dedicated bike lanes.

Ms. Lustig commented on the Complete Streets policy and that road renovations are driven by the condition of the road, not necessarily for improving the biking network. She said every project is evaluated to figure out the most amount of modality, without compromising safety. Ms. Lustig explained the reflective paint contains glass beads.

Ms. Cooley commented on the conscious changes made to the format of crosswalks that is known to be safer. She said there are many times she notices pedestrians not using the new blinking lights to cross the street. She said the Town has worked really hard and invested a lot of money to install pedestrian activated lights. She encouraged folks to push the button and not feel guilty making a car stop.

Mr. Borrelli concurred, saying it is better to be safe.

7:50 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 4 items:

1. Memorandum of Agreement with DPW/Needham Independent Public Employees' Association (NIPEA), Needham Police Union, and Needham Police Superior Officers Association.

Ms. Fitzpatrick recommended that the Select Board approve and sign Memorandum of Agreement with the DPW/Needham Independent Public Employees' Association (NIPEA) for FY2022, the Needham Police Union for FY2021, and the Needham Police Superior Officers Association for FY2021.

Mr. Borrelli asked Ms. Fitzpatrick to describe the collective bargaining process.

Ms. Fitzpatrick explained both sides develop proposals, sit down together, narrow down the issues, discuss wages. She said usually there are a few key priorities on both sides. She noted that "at the table" both parties are equal. She said the parties hold initial meetings, the Select Board meets in Executive Session under Exception 3, with a final meeting in Executive Session to approve the offer to be made to the unions. She said once the offer is made, each union takes up the issue and votes, with the issue ultimately returning to the Select Board in open session for approval.

Ms. Balachandra thanked Ms. Fitzpatrick for the overview. She asked who are the parties having the discussion? She also asked about issues other than salary that may be in the contract?

Ms. Fitzpatrick said on the Town side the Director of Human Resources and/or Assistant Director, Assistant Town Manager of Operations, Assistant Town Manager of Finance, and the Director of Public Works, and Director of Administration Finance for Public Works is on the Town side of the table. She said meetings about the collective bargaining agreement are held with stakeholders where items are "tightened up." She said sometimes the Superintendents of certain departments are called on for input on the proposals. She said that on the other side of the bargaining table are union representatives including a President, Vice President, and Shop Stewards totaling approximately 5 people. She noted the DPW is represented by the Laborers International Association, noting they have an outside union representative. Ms. Fitzpatrick said the length of time for discussions depends on the issues, and the timeframe can be anywhere from three months to a year and a half. Ms. Fitzpatrick said in this particular contract, items discussed include snow program requirements, how employees get adequate rest, conversations about time off, contract language, etc.

Ms. Cooley mentioned macro-issues including health care, which she said take a great deal of planning.

Ms. Fitzpatrick explained health insurance discussion does tend to take time as it affects all the unions including on the school side. She noted health insurance plans were converted effective July 1, 2018.

Mr. Borrelli noted many times an agreement cannot be met, and a placeholder is put in the Town Meeting warrant until an agreement is made. He said quite a bit of discussion occurs.

Mr. Matthews suggested voting each Agreement in the motion one at a time.

Ms. Balachandra asked for clarification of the vote.

Ms. Fitzpatrick said the vote is for a one-year extension of the original contract with implementation of the new pay structure.

Mr. Borrelli said the Agreement will be forwarded to Town Meeting for approval.

Mr. Nelson asked for clarification on any increase.

Ms. Fitzpatrick confirmed there is no “across the board” wage increase or COLA, just the implementation of the classification plan (approximately 2% increase on the total budget). She commented on the step pay structure.

Mr. Matthews commented union labor agreements are basic elements of the Town’s financial structure, fundamentally benefitting the people who work for the Town. He said, by and large, the Town has a pretty good work force who do a good job. He said the Agreements must be reviewed and kept current as the economy and conditions change. He concurred with Ms. Fitzpatrick that the particular contract does not have a base wage increase but has significant financial implications for the Town. He commented on the Classification Study recently completed. He noted the contract is the Town’s binding obligation to the employees. He referred to each article in the warrant as submitted for a vote at Town Meeting, noting if Town Meeting approves the article then the wages are paid.

Discussion ensued on the Classification Study.

Ms. Balachandra said she is having a hard time with the three Agreements, as she said it sounds like the negotiations have been going on for some time. She said as a new Select Board member it is difficult not having details on what they are being asked to approve and what the process was behind the Agreement. She said she doesn't feel it appropriate to have a vote on any of the Agreements as it does not feel fair or in the best interest for the Town. She said she doesn't feel informed or comfortable and is unclear with the current wages or what the wage increase is about, or other issues.

Mr. Borrelli said he understands what it is like to come in “mid-stream.” He noted the Select Board was comfortable as a Board to move to this step. He suggested moving ahead with the vote and that Town Meeting will be the ultimate arbitrator.

Mr. Matthews said it is difficult to answer Ms. Balachandra's questions during a moving process, but hopefully, over time things will make sense. Mr. Matthews suggested the Agreements are a necessary element of Town business and a rhythm of the cycle. He said for Town employees to be paid, Town Meeting must ratify funding of the contract. Discussion ensued on the Agreements and what the pay and benefits mean to employees of the Town. He said while the Town needs to be careful with money, it needs to be fair, pay comparable salaries, and stay within the ability to pay. He noted the role of the Town Manager to guide the contracts and the job of the Select Board to evaluate. He said to Ms. Balachandra if she felt she does not have enough information to vote, she could take a "pass." He said he feels confident the answer is "yes" and that he has an obligation to move forward.

Ms. Balachandra concurred with Mr. Matthews, however, said it is well understood deadlines are the reason people end up making deals. She said she appreciates there is a deadline for Town Meeting, but her concern is why there is pressure now, and if it is so important, why this didn't come up seven months ago or last year." Ms. Balachandra suggested removing the article, as it is unfair to have the conversation under pressure.

Mr. Borrelli suggested voting now and have further discussion when discussing the warrant articles.

Ms. Cooley reiterated this contract is for next year.

Motion by Mr. Matthews that the Select Board approve and sign the Memorandum of Agreement with the DPW/Needham Independent Public Employees Association (NIPEA) for fiscal year 2022.

Second: Ms. Cooley. Approved 3-0-2. Ms. Balachandra and Mr. Nelson abstained.

The Board moved to discussion of the next two Police Agreements.

Ms. Fitzpatrick explained each contract, the subsequent pay, and increased detail rate associated with each.

Ms. Balachandra said she feels as if the issue is "last minute" and is concerned about the implementation of a pay raise given some of the data and situations, post Marvin Henry and the Tidwell Report, and the data from the Equal Justice for Needham group that looked at and studied police operations. She said she is confused as to why there would be a pay raise, even in the short term, given that we don't necessarily have a very good understanding of what our police are currently doing or what would merit a pay raise.

Mr. Borrelli said the Town's first responders and police have been on the front lines during the pandemic and historically have a very high satisfaction rate in the community. He said being on the front lines deserves a pay raise and to discuss

civil service and put on the same level as other contracts. He said it's important, understanding there are some concerns from the Tidwell Report, which he said he is not trying to brush off, but at this point in time the Agreement is fair and a bridge to a longer contract and longer discussion.

Ms. Balachandra commented there is a difference between a bridge and an increase. She said a pay increase is not the right move, recognizing lots of places have had furloughs and everyone is working harder during the pandemic. She said to justify a merit increase is not fiscally responsible.

Mr. Nelson asked what would happen with the funds if there was no pay increase?

Ms. Fitzpatrick said the unexpended balance of any operating budget rolls to free cash in the next year and would be unavailable after July 1.

Mr. Matthews said the pay increase is not merit based, but basically a COLA or inflation related adjustment, and generally the same for all union employees on the Town-side of government, across the board. He said the reason and rationale are exactly the same for paying the increase. Mr. Matthews commented on the tough year and the Tidwell Report shows the Town has some shortcomings. He said in his opinion, it is a good department with good people who try hard, and it is important as employers to treat the people who work for the Town fairly. He noted the issues of police reform and civil service reform are hard to work on at any time, particularly in a situation with conflict and stress in society, as there is now. Mr. Matthews said when you have good people working for you, but there is an argument that cannot be resolved, one way is to set the argument aside and go on with the things in which you can agree. He commented on the Town's goal of getting out of civil service, the complicated process, and the need for diversity hiring. He said while it has been a difficult year in both public and private sectors, the people who work for the Town, including the police, have done their best, acknowledging mistakes have been made, but they have done their best. He said the Town seeks to actively work together. Mr. Matthews said having the Agreement, with the same cost of living increase as the DPW and other union and non-union employees of the Town is a fair agreement and worth acting on now and worth recommending to Town Meeting.

Ms. Balachandra respectfully disagreed, noting the police force has wonderful people, but the issue is one of performance. She said the job of the Select Board is oversight and management of the process, it behooves us to take a critical perspective of jobs being done. She said she cannot, in good faith, say the job over the past year in certain areas merits a wage increase. She said she is having a hard time with it, particularly when the funds can go into free cash or be used to address mental health needs. She commented there are people who have lost jobs or have been furloughed and not received wage increases in all sectors. Ms. Balachandra said providing a salary increase across the board is not sitting right with her, even

as contract negotiations are not complete. She said she does not see any need to increase salaries before discussing the entire contract.

Mr. Borrelli said in his opinion the department is exceptional, the need is critical, and it is fair. He concurred with Mr. Matthews that employees must be treated fairly, and that the contract was well bargained.

Ms. Cooley said she firmly believes employees need to be treated fairly, especially when there are some things the Town wants changed in behavior. She observed that if there is a decision not to fund the contract this year, it's not that the dollars could be re-deployed in some other way, they would be needed to make the employees whole in a competitive perspective on a going forward basis. She concluded the hill would be bigger to climb next year to keep the pay competitive. She said it is not to the Town's advantage to get behind in competitive pay.

Ms. Balachandra asked if a new motion could be put forth to extend the contract without the wage increases.

Mr. Matthews said collective bargaining is with employees working under certain terms and conditions. He said if the terms and conditions are to be changed there must be agreement between parties (management and union). He said the Agreement before the Select Board is to be voted "yes" or "no". He said the terms of the Agreement cannot be changed, but it can be rejected. He noted public employees have collective bargaining rights which must be respected.

Ms. Cooley noted the collective bargaining agreement has been signed by the union members. She said more than just wages are identified in the Agreement, and that the specific and most important piece was clearly getting it on the table, in writing, and agreed to, that we would go forward to make some changes to civil service. Ms. Cooley said she is very pleased that is a component of the Agreements.

Mr. Borrelli reiterated the vote could be "yes" or "no."

Motion by Mr. Matthews that the Select Board approve and sign the Memorandum of Agreement with the Needham Police Union for fiscal year 2021.

Second: Ms. Cooley. Approved 3-1-1. Ms. Balachandra voted no. Mr. Nelson abstained.

Motion by Mr. Matthews that the Select Board approve and sign the Memorandum of Agreement with the Needham Police Superior Officers Association for FY2021.

Second: Ms. Cooley. Approved 3-1-1. Ms. Balachandra voted no. Mr. Nelson abstained.

2. Naming of Reservoir Trail

Ms. Fitzpatrick discussed naming options for the Reservoir Trail, including the “Amity Path in Honor of David Summergrad.” In accordance with the Board’s policy on Naming of Facilities and Placement of Materials, no vote will be taken until at least the next regularly scheduled meeting of the Board in order to allow for public comment. Ms. Cooley asked for public comments to be sent to selectboard@needhamma.gov.

3. Positions on Warrant Articles

Mr. Borrelli said Ms. Fitzpatrick will go through the warrant. He said he is happy to answer questions or give more background information.

Mr. Matthews said he hopes to go through the warrant and vote as many articles as possible tonight, recognizing video presentations must be done within the next week for Town Meeting.

Ms. Balachandra said she is happy to make presentations on assigned articles, however she said she feels unequipped. She asked if it would be possible to meet again to “get up to speed” or possibly move Town Meeting? She said the process seems inefficient, given the election was yesterday. Ms. Balachandra said she wants to do a good job but believes she can’t.

Mr. Borrelli said Town Meeting is already set, noting the Town Charter. He said time is of the essence and a massive coordination is required to get the job done.

Ms. Cooley said the senior members of the Select Board are available to meet and answer questions on assigned warrant articles to be prepared for Town Meeting. She said “Town Meeting does not wait”

Mr. Matthews said there is a learning curve for the new members of the Board, as well as a learning curve for the Board that has 40% new membership, but it is the job the votes gave the members to do. He said there are lots of resources available to members who need it and that there is no law that says a member must vote in the affirmative if they don’t think it is a good idea. He said members can abstain if they want. Mr. Mathews said he perceives it is the obligation of the Board to move forward and vote the Articles, so that information can be pulled together for Town Meeting, which under COVID rules must be done in the form of a video. He said the deadline for the videos is so that the citizens who make up Town Meeting have time to view the information and discuss it with their friends and neighbors. Mr. Matthews reiterated Town Meeting is 16 days from today.

Mr. Nelson said he wants it known that if he or Ms. Balachandra abstains, it's not that they don't think it's a good idea, but rather they just don't have enough information.

Mr. Borrelli said he appreciates Mr. Nelson's comment and offered his assistance, as well that of Ms. Fitzpatrick or any member of the Board. He said an abstention is probably the best course of action if a member does not feel comfortable.

Ms. Balachandra thanked Mr. Borrelli and Mr. Matthews for their generous offers to meet. Ms. Balachandra asked Ms. Fitzpatrick again if it is possible to postpone Town Meeting in the interest of getting the best education as a decision maker. She said she needs time to develop her own perspective and understanding. She said as a Town Meeting member, she understands the process and is aware of Select Board discussions. She said she doesn't think it makes sense as she does not feel she can do her job on the Board for what she was elected to do.

Ms. Fitzpatrick said only the Moderator can postpone Town Meeting at this point.

Mr. Borrelli said the Select Board must move ahead and that any member of the Board can abstain from voting. He said he understands and is sympathetic to the timing issue, but it is a domino effect.

Special Town Meeting

Article 1 - Fund Collective Bargaining Agreement - Needham Independent Town Workers - Defer

Article 2 - Fund Collective Bargaining Agreement - Needham Independent Public Employees Association

Motion by Mr. Matthews that the Select Board vote to support Article 2 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 3-1-1 by roll call vote. Ms. Balachandra voted nay. Mr. Nelson abstained.

Article 3 - Fund Collective Bargaining Agreement - Needham Fire Union

Motion by Mr. Matthews that the Select Board vote to withdraw Article 3 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Article 4 - Fund Collective Bargaining Agreement - Needham Police Union

Motion by Mr. Matthews that the Select Board vote to support Article 4 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 3-1-1 by roll call vote. Ms. Balachandra voted nay. Mr. Nelson abstained.

Article 5 - Fund Collective Bargaining Agreement - Needham Police Superior Officers Association

Motion by Mr. Matthews that the Select Board vote to support Article 5 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 3-1-1 by roll call vote. Ms. Balachandra voted nay. Mr. Nelson abstained.

Article 6 - Amend the FY2021 Operating Budget

Motion by Mr. Matthews that the Select Board vote to support Article 6 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained.

Article 7 - Appropriate for Needham Property Tax Assistance Program

Motion by Mr. Matthews that the Select Board vote to support Article 7 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Article 8 - Appropriate for Compensated Absences Fund

Motion by Ms. Cooley that the Select Board vote to support Article 8 in the Special Town Meeting Warrant.

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

Article 9 - Appropriate for Public Facilities Maintenance Program

Motion by Ms. Cooley that the Select Board vote to support Article 9 in the Special Town Meeting Warrant.

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

Article 10 - Appropriate for Small Repair Grant Program

Motion by Mr. Matthews that the Select Board vote to support Article 10 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Article 11 - Appropriate for Town Network and Internet Control Analysis and Reporting

Motion by Ms. Cooley that the Select Board vote to support Article 11 in the Special Town Meeting Warrant.

Second: Mr. Matthews. Approved 3-0-2 by roll call vote. Ms. Balachandra and Mr. Nelson abstained.

Article 12 - Appropriate for Planning Consulting Assistance - Defer

Article 13 - Appropriate for Public Health Consulting Assistance

Motion by Mr. Matthews that the Select Board vote to support Article 13 in the Special Town Meeting Warrant.

Second: Mr. Nelson. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained.

Article 14 - Appropriate for Public Information Officer

Motion by Mr. Matthews that the Select Board vote to support Article 14 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 3-0-2. Ms. Balachandra and Mr. Nelson abstained.

Article 15 - Appropriate for Clinical Support Services for Law Enforcement

Motion by Mr. Matthews that the Select Board vote to support Article 15 in the Special Town Meeting Warrant.

Second: Ms. Balachandra. Unanimously approved 5-0 by roll call vote.

Article 16 - Appropriate for National Pollutant Discharge Elimination System (NPDES Permit Compliance)

Motion by Mr. Matthews that the Select Board vote to support Article 16 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Article 17 - Appropriate for Fleet Refurbishment

Motion by Ms. Cooley that the Select Board vote to support Article 17 in the Special Town Meeting Warrant.

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

Article 18 - Appropriate for Rosemary Dam Decommissioning

Motion by Mr. Matthews that the Select Board vote to support Article 18 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Article 19 - Appropriate for Payment of Unpaid Bills of Prior Years

Motion by Ms. Cooley that the Select Board vote to support Article 19 in the Special Town Meeting Warrant.

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

Article 20 - Appropriate the FY2022 Operating Budget

Motion by Mr. Matthews that the Select Board vote to support Article 20 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Article 21 - Appropriate the FY2022 Sewer Enterprise Fund Budget

Motion by Mr. Matthews that the Select Board vote to support Article 21 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Article 22 - Appropriate the FY22 Water Enterprise Fund Budget

Motion by Mr. Matthews that the Select Board vote to support Article 22 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Article 23 - Authorization to Expend State Funds for Public Ways

Motion by Mr. Matthews that the Select Board vote to support Article 23 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Article 24 - Appropriate for Emery Grover Renovation Design - Defer

Article 25 - Appropriate for Preservation of Town Marriage Records

Motion by Mr. Matthews that the Select Board vote to support Article 25 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 26 - Appropriate for Town Common Historic Redesign & Renovation

Motion by Mr. Matthews that the Select Board vote to support Article 26 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 27 - Appropriate for Fisher Street Trailhead - Construction

Motion by Mr. Matthews that the Select Board vote to support Article 27 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 28 - Appropriate for Resurfacing the Synthetic Track at DeFazio

Motion by Mr. Matthews that the Select Board vote to support Article 28 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 29 - Appropriate for Mcleod Field Renovation Design

Motion by Mr. Matthews that the Select Board vote to support Article 29 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 30 - Appropriate for Trail Identification - Design

Motion by Mr. Matthews that the Select Board vote to support Article 30 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 31 - Appropriate for Town Reservoir Sediment Removal

Motion by Mr. Matthews that the Select Board vote to support Article 31 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 32 - Appropriate to Community Preservation Fund

Motion by Mr. Matthews that the Select Board vote to support Article 32 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 33 - Appropriate to Community Preservation Fund Supplement

Motion by Mr. Matthews that the Select Board vote to support Article 33 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted nay.

Article 34 - Appropriate for Walker Pond Improvements

Motion by Mr. Matthews that the Select Board vote to support Article 34 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained.

Article 35 - Appropriate for General Fund Cash Capital

Motion by Ms. Cooley that the Select Board vote to support Article 35 in the Special Town Meeting Warrant.

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

Article 36 - Appropriate for Public Works Infrastructure

Motion by Mr. Matthews that the Select Board vote to support Article 36 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Article 37 - Appropriate for Public Safety Building Construction

Motion by Mr. Matthews that the Select Board vote to support Article 37 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Approved 4-0-1. Ms. Balachandra abstained from the vote.

Article 38 - Appropriate for Sewer Enterprise Fund Cash Capital

Motion by Ms. Cooley that the Select Board vote to support Article 38 in the Special Town Meeting Warrant.

Second: Ms. Balachandra. Unanimously approved 5-0 by roll call vote.

Article 39 - Appropriate for Sewer Main Replacement

Motion by Ms. Cooley that the Select Board vote to support Article 39 in the Special Town Meeting Warrant.

Second: Ms. Balachandra. Unanimously approved 5-0 by roll call vote.

Article 40 - Appropriate for Water Enterprise Fund Cash Capital

Motion by Ms. Cooley that the Select Board vote to support Article 40 in the Special Town Meeting Warrant.

Second: Ms. Balachandra. Unanimously approved 5-0 by roll call vote.

Article 41 - Appropriate for Water Service Connections

Motion by Ms. Cooley that the Select Board vote to support Article 41 in the Special Town Meeting Warrant.

Second: Ms. Balachandra. Unanimously approved 5-0 by roll call vote.

Article 42 - Appropriate to Athletic Facility Improvement Fund

Motion by Ms. Cooley that the Select Board vote to support Article 42 in the Special Town Meeting Warrant.

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

Article 43 - Appropriate to Workers Compensation Fund

Motion by Ms. Cooley that the Select Board vote to support Article 43 in the Special Town Meeting Warrant.

Second: Ms. Balachandra. Unanimously approved 5-0 by roll call vote.

Article 44 - Acceptance of Provisions of M.G.L. Chapter 41 Section 111f -
Special Injury Leave Indemnity Fund

Motion by Ms. Cooley that the Select Board vote to support Article 44 in the Special Town Meeting Warrant.

Second: Mr. Matthews. Approved 4-0-1 by roll call vote. Ms. Balachandra abstained from the vote.

Article 45 - Foster Care Transportation Reimbursement

Motion by Ms. Cooley that the Select Board vote to support Article 45 in the Special Town Meeting Warrant.

Second: Ms. Balachandra. Unanimously approved 5-0 by roll call vote.

Article 46 - Special Education Stabilization Fund - Defer

Article 47 - Amend General By-Law - Authorize Town Clerk to Ensure
Consistency in Numbering

Motion by Ms. Cooley that the Select Board vote to support Article 47 in the Special Town Meeting Warrant.

Second: Ms. Balachandra. Unanimously approved 5-0 by roll call vote.

Article 48 - Needham Unite Against Racism Resolution

Motion by Ms. Cooley that the Select Board vote to support Article 48 in the Special Town Meeting Warrant.

Second: Mr. Nelson. Unanimously approved 5-0 by roll call vote.

Article 49 - Citizens' Petition - Storage of Receptacles Used for Household Waste
Disposal Pickup at Residential Properties by Commercial Vendors

Motion by Ms. Balachandra that the Select Board vote to take no position on Article 49 in the Special Town Meeting Warrant.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

Annual Town Meeting

Article 3 - Elected Officials Salaries

Motion by Ms. Cooley that the Select Board vote to support Article 3 in the Annual Town Meeting Warrant.

Second: Mr. Matthews. Unanimously approved 4-0-1 by roll call vote. Ms. Balachandra abstained.

Article 4 - Revolving Fund Limits

Motion by Ms. Cooley that the Select Board vote to support Article 4 in the Annual Town Meeting Warrant.

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

Article 5 - Zoning/HC1 - Defer

Article 6 - Zoning/HC1 - Defer

Article 8 - Zoning/Citizens Petition - Defer

4. Town Manager Report

Ms. Fitzpatrick reported the Fire Department received a grant of \$14,907 for combustible gas detectors.

Ms. Fitzpatrick reported the emergency rental assistance program is continuing to accept applications. She encouraged folks who need help paying their rent due to loss of income from COVID-19 to submit an application, as the submission deadline is approaching.

Ms. Fitzpatrick reported Park and Recreation and the Department of Public Works are hosting a three-day annual spring town-wide cleanup event April 22-April 24, 2021. She said registration for the event is on the Park and Recreation website.

Ms. Fitzpatrick reported the employee resource group called “Stronger Together” for black and people of color is sponsoring a Zoom workshop on May 6, 2021 at 6 p.m. titled “Understanding the Impact of COVID in Communities of Color.” She said the event will be open to employees and members of the community. Ms. Fitzpatrick said Needham resident Dr. Olutoyin Fayemi will be the lead speaker.

11:02 p.m. Board Discussion:

1. Tidwell Report

Ms. Cooley reported there have been questions on the difference between the draft vs. the final report. She said all information related to the Tidwell Report is a matter of public record and on the Town’s website. She said the Select Board was permitted to read and ask questions on the first report. She noted the Select Board asked for a very specific sets of recommendations from Ms. Tidwell based on her feedback of the incident. She said the other feedback was to let Ms. Tidwell know

that the Town had offered some apology last summer for Mr. Henry to meet with Town officials. She noted Ms. Tidwell had not been aware of that because she had not spoken with Town officials. As a result, the second report contained a clear set of recommendations. She said no further guidance was given by the Board. Ms. Cooley commented on transparency, saying everyone thinks there are things to be learned from the incident, and that most importantly, Mr. Henry did nothing wrong. She commented the whole incident is beyond unfortunate. She said there are things to be learned and improvements to be made by the police, which she said they have already started. She commented on documentation. Ms. Cooley commented some of the documentation in the Report has been criticized, and also represents opportunities for improvement. Ms. Cooley said she thinks about the feedback and that Mr. Henry has not received an apology. She said she is sad that Mr. Henry has not heard an apology, and that the Town will work to ensure that one is heard.

Ms. Balachandra asked for clarification on the extent of the apology.

Ms. Cooley said the Town offered to meet with Mr. Henry to apologize, and her understanding is that through his attorney, he did not wish to have that meeting.

2. NUARI Update

Ms. Cooley reported feedback was received after NUARI's public hearing on its report to Town Meeting. She commented on Anna Geraldo Kerr's language that everyone's improvement, as it relates to racial equity in any field, is a "practice," and that she hopes everyone will work together to improve. She noted discussion on language in the document and use of the word "should." She said NUARI needs to do more work. Ms. Cooley said NUARI does not have the ability to "direct by fiat" other organizations, groups, or citizen organizations of the Town, noting the word "should" is, perhaps, the right word, or some other word. Ms. Cooley concluded NUARI has worked very hard to create a framework and set of conditions that is welcoming. She noted the report will be looked at one more time prior to being sent to Town Meeting.

Mr. Matthews said the Tidwell Report and the work of NUARI are very deep subjects. He said both the Tidwell Report and NUARI provide guidance for long term action by the Town. He encouraged folks to read the Tidwell Report to understand the facts of the incident, the shortcomings that were identified, and the roadmap for improvement in public safety. He noted NUARI is a community-wide discussion. He commented on the use of the word "should" in the Report, saying the reason for using "should" is that work is done in an intentionally decentralized system, with many moving parts not directly in charge of each other. He said ways must be found to encourage people "that we can't order," to get the work done. He said it is a complicated question. Mr. Matthews said the press of Town Meeting over the next few weeks will take a lot attention from the Select Board. He said once Town Meeting is over, he hopes to make space on a future agenda to talk about the Marvin Henry case, the Tidwell Report, the work of NUARI, and the working

relationships, as the Select Board tries to help in its own limited, but important way to guide the work in Needham.

Mr. Borrelli concurred with Mr. Matthews, saying there will be much more discussion after Town Meeting on each subject.

Ms. Balachandra said the Tidwell Report offers a nice platform in which to start the conversation, as well as NUARI's fantastic work.

3. Committee Reports

No Committee Reports were made.

Mr. Borrelli welcomed the new Board members, thanked the Board for its work tonight, and said he looks forward to doing great things as a Board.

11:15 p.m.

Adjourn:

Motion by Ms. Balachandra that the Select Board vote to adjourn the Select Board meeting of Wednesday, April 14, 2021.

Second: Mr. Nelson. Unanimously approved 5-0 by roll call vote.

A list of all documents used at this Select Board meeting is available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>